

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

James P. Jones,

Plaintiff,

vs.

Marimar Marquins,

Defendant.

Case No.: 2:14-cv-00779-GMN-GWF

**ORDER ACCEPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE GEORGE FOLEY, JR.**

Before the Court for consideration is the Report and Recommendation (ECF No. 6) of the Honorable George Foley, Jr., United States Magistrate Judge, entered July 25, 2014. Prior to entering his Report and Recommendation, Judge Foley ordered Plaintiff to file an amended application to proceed *in forma pauperis* within thirty (30) days of July 16, 2014. (ECF No. 3.) In that Order, Judge Foley cautioned Plaintiff that failing to file the amended application could warrant in dismissal of the action. (*Id.*) Because Plaintiff failed to file the required amended application, Judge Foley now recommends that the Court dismiss Plaintiff's action with prejudice. (Report & Recommendation 1:24–2:5, ECF No. 6.) Although the Court mailed Judge Foley's Report and Recommendation to Plaintiff's most current address on file, the mailing was returned as undeliverable on July 28, 2014. (ECF No. 7.) The Court then re-mailed the document to Plaintiff's address at the Clark County Detention Center. (*Id.*)


Pursuant to Local Rule IB 3-2(a), objections were due by August 11, 2014. No objections have been filed. In accordance with 28 U.S.C. § 636(b)(1) and Local Rule IB 1-4, the Court has reviewed the record in this case and has determined that Magistrate Judge Foley's Recommendation should be **ACCEPTED and ADOPTED to the extent that it is not inconsistent with this Order.** Because the Court cannot conclusively determine that Plaintiff

1 received notice of Judge Foley's Report and Recommendation, the Court will dismiss this case
2 without prejudice.

3 **IT IS THEREFORE ORDERED** that Plaintiffs' Complaint is **DISMISSED**.

4 The Clerk of the Court shall enter judgment accordingly.

5 **DATED** this 19 day of August, 2014.

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Gloria M. Navarro, Chief Judge
United States District Court
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